

TYRONE TOWNSHIP PLANNING COMMISSION

MEETING MINUTES AUGUST 12, 2014

PRESENT: Mark Meisel, Cam Gonzalez, Ron Puckett, Deb Lee and Anne Linder

ABSENT: Dave Wardin and Bill Wood

OTHERS PRESENT: Tyrone Township Planner Sally Hodges and Planning and Zoning Administrator Vanessa Bader.

CALL TO ORDER: 7:06 p.m. by Chairman Meisel

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No comments.

APPROVAL OF THE AGENDA:

Gonzalez moved to approve agenda as presented. (Linder seconded)
The motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

Line 71 - delete line.

Lee moved to approve the July 8, 2014 minutes as amended. (Gonzalez seconded)
The motion carried by unanimous voice vote.

Gonzalez moved to suspend the order of business to accommodate applicants in attendance.
(Linder seconded)

NEW BUSINESS #1: Land division request and shared driveway request for Hoffman on Linden Rd

The applicant, Mr. Hoffman, gave an overview of what he wants to do. He would like to split the parcel into 4 and possible sell the existing house. The other 3 parcels would be accessed by a shared driveway.

Planner Hodges read her review and noted most of the items were complete. She would like the applicant to submit separate survey drawings for the "before" split and one showing the "after" condition. She also listed several other items that need to be completed or clarified. She commented on the open space calculations and stated that it was not clear from the drawing what calculations were used. She said the full site plan for the shared driveway could be waived until the lot split was approved and they come in to apply for building permits. She asked if the water flow was going to the stream and there was discussion on the swale and working with the County Drain Commissioner's office to make sure sedimentation measures are in place.

There was discussion on the wetlands and calculations for the open space. The surveyor explained the method he used and how much of the wetlands were used in the open space calculation.

Linder moved to table the discussion until after the required public hearing on the shared driveway. (Gonzalez seconded).

The motion carried by unanimous voice vote.

The regular meeting was recessed for the public hearing.

The public hearing was opened at 7:51 p.m.

The public notice was read.

Comments from the public - None

Comments from the Planning Commission - Chairman Meisel noted the parcels meets the requirements of our Ordinance. The standards for the swale and drainage will be addressed with the County Drain Commission.

Comments from the Planner - None.

Comments from the public - A neighbor said she had concerns since that part of Linden Road floods frequently and does not want the new driveway to make it worse. Chairman Meisel stated the increased flow should not go in to the road. The driveway should not make the situation worse, but will also not improve the situation.

The public hearing was closed at 8:05 p.m.

Linder moved to remove the Hoffman application from the table. (Gonzalez seconded)

The motion carried by unanimous voice vote.

Linder moved to approve the land division and shared driveway application for Hoffman on Linden Road and recommend to the Township Board for approval with the following conditions: (Gonzalez Seconded)

- A dimensioned survey showing the existing pre-split parcel is to be provided.
- The building envelope for Parcel A and B must exclude the stream and the required 50' setback must be dimensioned on the plan.
- The width of the Linden Road right-of-way must be shown, not just the 33' r/w line.
- The shared driveway easement should be separately described and then referenced in the individual descriptions, with language similar to the following: "Access to this parcel is provided by The Easement and is subject to any use and restrictions described therein, along with the terms and conditions of the shared driveway maintenance agreement recorded with the easement."
- The locations of all existing structures, utilities, or access easements within 50' of the property boundary lines on adjacent property must be shown on the plan or indicate there are none.
- The Private Road Maintenance Agreement text should be changed to say "Shared Driveway" Maintenance Agreement and should also be revised to use the term "division" instead of "subdivision". The agreement must be completed and recorded with the County and provided to the Township Clerk following Township approval.
- The basis for the "open space credits" notes must be clarified on the plan so that the quantities of open space provided and developable areas can be confirmed as correct.

- Parcel A's access must be limited to the shared driveway, and this restriction must be noted on the survey and in the documents.
- Prior to Township approval of a shared driveway site plan, existing and proposed topography (grading) details, the locations of proposed driveways, and existing and proposed drainage facilities on the site or within 100', along with details that meet all requirements of Sections 24.05 and 24.06 must be submitted for Township review and approval. The shared driveway must meet all standards of the Livingston County Road Commission, except paving, and regulatory signs must be posted at the intersection with Linden Rd.
- The swale for the driveway must be reviewed and approved by the Livingston County Drain Commission.
- The above mentioned conditions are to be reviewed by a subcommittee of the Planning Commission and approved prior to submittal to the Township Board.

The motion carried by unanimous voice vote.

NEW BUSINESS #2: Land division request for Ridenour at Center Rd and Linden Rd

Planner Hodges gave a review of the application where the applicant would like to split an approximate 25 acre parcel into 10 and 15 acre parcels. The 15 acre parcel has several barns and has frontage on Linden and Center roads, the other has access off Linden Road. She noted a list of items that need to be included on the survey documents. The Zoning Administrator said she would provide an aerial with the contours.

Chairman Meisel noted the proposed relocated open space (from a previous land division) does not meet the current standards. The Road Commission has also said clear vision has not been established. The applicant said the Road Commission called him and said his permit was ready. The Zoning Administrator reference the latest review from them and it was not approved. If the applicant has something more recent they just have to provide the documentation.

There was discussion on the lengthy list of additions/corrections to the application, and since they were considered major conditions it was decided to table the request until the conditions could be met. The Planning Commission informed the applicant he can come to next month's meeting or request a special meeting if he is in a hurry.

There was discussion on the amount of open space. Planner Hodges said there should be 8.7 acres total, they will need to modify their calculations and survey. The surveyor from Field to Finish said he feels the open space requirements are costly since it requires more work on the survey. He suggested larger lots and/or increased setbacks to obtain open space and felt it would make the process easier. There was also discussion on the parent parcel and what parcels require open space. The applicant was informed that since the parcel was a split from a prior parent parcel, it is no longer a parent parcel and the open space requirement is not under the 10-year provision of the Land Division Act, but rather the township's Zoning Ordinance and runs in perpetuity with the land.

Lee moved to table the land division request for Ridenour until they have corrected their documents. (Seconded by Linder).

The motion carried by unanimous voice vote.

NEW BUSINESS #3: Site plan review for Consumers equipment building on Mabley Hill Rd.

The applicant stated they are upgrading their equipment at the Fenton Interchange site and a new building is part of that upgrade. There is a need for a building for certain pieces of equipment that need to be accessed at any given time, regardless of weather. The building is 240 sq ft and being relocated from another site.

The applicant provided updated drawings of the building at the meeting. He noted the lighting on the building is only on when someone is at the building. Chairman Meisel commented that normally lighting cut sheets are provided to verify the light will be downshilded, but in this case it may not be necessary since the lights will be on only when someone is there working, rather than the lights being on from dusk to dawn and for the natural of the activity.

The Commission also reviewed a memo from the Zoning Administrator on the site plan. There was discussion on the building's proposed setback and if the building was considered primary or accessory. It does not meet the primary setback for the FR district, but could be considered accessory to the existing infrastructure as in the case of Enbridge and their recent pump house application. It was determined that the building was an accessory and could remain as proposed.

The screening and facade do not meet the requirements of our Ordinance. Planner Hodges would like to see screening along the road as the Ordinance requires. Chairman Meisel commented on the location of the building and the limited traffic on the road may not warrant such landscaping. Planner Hodges recommended to the Commission to not only look at the building proposed, but improving the site as a whole. The applicant spoke against such landscaping as they feel it creates a security issue. Because they are not present 24 hours at the site, they rely on neighbors and drivers passing by to watch the site and report unusual behavior. Landscaping used to shield the building from view would hinder security. There was mention of installing landscaping if there are neighbor complaints and the applicant said they do not normally do that.

There is a neighbor to the south and Chairman Meisel questioned the possibility of complaints and how to address them and minimize them. There is minimal equipment above the ground and now there will be a building. The applicant stated there is currently an elevated walkway about 8' - 10' above the ground and appears to be directly in the line of sight of the neighbor and the new building, so it will mostly likely not even be seen. The neighbor also has some existing trees and shrubs which appear to offer some screening as well.

Linder moved to recommend approval of the Consumer's site plan for a new building and that the facade requirement be waived due to the nature of the use and also, that the building be considered an accessory structure so the primary structure setback does not apply. (Seconded by Lee)

The motion carried by unanimous voice vote.

UNFINISHED BUSINESS #1: Open Space Requirements

Item was not discussed due to the late hour.

NEW BUSINESS #4: Use Chart

Item was not discussed due to the late hour.

NEW BUSINESS #5: PCS and PIRO changes to comply with the Use Chart

Item was not discussed due to the late hour.

NEW BUSINESS #6: Schedule public hearing for amendments

A public hearing for zoning amendments on definitions, the use chart, and changes to PCS and PIRO uses was scheduled for September.

NEW BUSINESS #7: Ron Gordon request to amend PUD agreement for permanent trailer sales (discussion)

Chairman Meisel reported that the Supervisor spoke with the township attorney and they found that the agreement says the township and the owner will work together and can accommodate the current use for the parcel. The owner can apply for a Special Use or rezone and apply for a Special Use. It will be discussed further during the public hearing for PCS.

OTHER BUSINESS ITEMS: A resident commented on a medical marijuana operation at his neighbor's vacant property. He is very concerned for the safety of his children and the area in general and wants them to be removed. Chairman Meisel said he was forwarded an email showing pictures and is aware of it. He does not feel it meets the State requirement and it does not meet the township's requirements. The Zoning Administrator said she was made aware of it and sent the owner a violation letter. The owner came in and has filled out a Special Use application and we are in the process of setting up a subcommittee meeting. She and the neighbor both commented that the State Police said in an email that the facility appears to meet the State requirements of enclosed and locked facility and they have not brought any enforcement against the owner. The Zoning Administrator and Supervisor have made the owner aware of our requirements and approval process. The township hopes to have the owner at the next Commission meeting.

ADJOURNMENT: The meeting adjourned at 9:55 p.m.

NEXT MEETING: September 9, 2014 - Regular Meeting

Respectfully submitted by:

Vanessa Bader

Zoning Administrator